

Dispute Resolution Programs

Many consumers and businesses use dispute resolution programs – mediation and arbitration – as an alternative to going to court. Some businesses even require consumers to arbitrate their disputes. Check the product packaging and warranties.

Mediation involves a neutral third party – a mediator – who helps you and the other party try to resolve the problem.

Arbitration is less formal than court. However, you and the business may appear at hearings and present evidence. Unlike mediation, an arbitrator makes a decision which may be legally binding.

To find a mediation or arbitration program near you, contact:

- The Department of Consumer Affairs at www.dca.ca.gov and enter search words “local mediation” to locate a list of local mediation programs
- Your local small claims court and court systems
- The California Attorney General or local consumer protection agency
- Nonprofit dispute resolution organizations
- Bar associations and law school clinics



State of California
**DEPARTMENT OF
CONSUMER AFFAIRS**

Consumer Information Center

400 R Street, Suite 1080
Sacramento, California 95814

Internet: www.dca.ca.gov

E-mail: dca@dca.ca.gov

Consumer Information Center:

(California residents only)

800-952-5210

(Sacramento Area/Out of state)

916-445-1254

TDD only

800-326-2297 or 916-322-1700



Arnold Schwarzenegger
Governor

Fred Aguiar
Secretary
State and Consumer Services Agency

Charlene Zettel
Director
Department of Consumer Affairs

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CONSUMER SELF-HELP



*Tips and Resources
to Resolve Consumer
Complaints*

THE best way to protect yourself from consumer fraud, scams or problems, is to be aware of the potential pitfalls and to make smart decisions before buying products or services.

BEFORE YOU BUY

- Know what you are paying for. Does the seller have required licenses? Is the seller qualified to provide the product or service?
- Be aware of store refund policies; some stores allow return of items within a few days, others will not accept returns if you wait too long.

AFTER YOU BUY

- Save all contracts, sale's receipts, cancelled checks, owner's manuals and warranty documents.
- Read and follow product and service instructions. The way you use or take care of a product might affect your warranty rights.

If things don't work out, complain as soon as possible

The first step in resolving a consumer problem is to contact the business that sold the product or performed the service.

- A letter (see sample at right) to the manager is the most effective method. The letter should clearly outline the product purchased, the problem and the resolution you are seeking. Keep copies of all correspondence.
- If the purchase was by credit card and the item is defective, you may have the right to withhold payment. Go to www.dca.ca.gov, then click on the "Consumer Information" link, then the "Legal Guides" link, then the links under the "Credit" heading.

If the Business is unresponsive to your complaint...

Contact **local, state and federal** organizations for help. Be aware that government agencies will not take on or settle your case, nor can they force a business to settle a complaint, but they may be able to convince the business to resolve the complaint.

- The board, bureau, state or local agency that licenses and/or regulates the business or profession
- The State Attorney General's Office typically has a division that deals with consumer protection
- The Better Business Bureau in the vicinity of where the business is located
- Your local Postmaster
- Local media – television, radio or newspaper

You can also obtain information from:

- The Federal Trade Commission, which works for consumers to prevent fraudulent, deceptive and unfair business practices in the marketplace. Visit www.ftc.gov or call 1-877-FTC-HELP.
- The Consumer's Resource Handbook (www.pueblo.gsa.gov), which offers tips on buying products and services and provides contacts for information and assistance.
- The Consumer Action Handbook (www.consumeraction.gov), which provides contact information on where to file your complaint or ask a question.
- To find the names and contact information for government agencies, look in the front of the white pages in the phone book. This section lists local, state and federal agencies.

SAMPLE LETTER

Date

Your Name

Your Address

City, State Zip Code

Account Number (if applicable)

Your Phone Number

Name of Contact Person (if available)

Title (if available)

Company Name

Consumer Complaint Division (if no contact person)

Mailing Address

City, State, Zip Code

Dear *(Contact Person)*,

On *(date)*, I *(purchased, leased, rented, or had repaired)* a *(name of the product, serial or model number or service performed)* at *(location, date, and other important details of the transaction)*.

Unfortunately, your product *(or service)* has not performed well *(or the service was inadequate)* because *(state the problem)*. I am disappointed because *(explain the problem; for example, the product does not work properly, the service was not performed correctly, I was billed the wrong amount, something was not disclosed clearly or was misrepresented, etc.)*.

To resolve the problem, I would appreciate your *(state the specific action you want – money back, credit on bank card, exchange, etc.)*.

I look forward to your reply and a resolution to my problem, and will wait until *(set a time limit)* before seeking help from a consumer protection agency or the Better Business Bureau. Please contact me at the address or phone shown above.

Sincerely,

(Your signature and printed name)